

**DRAWING CORRECTION**

A Replacement Sheet is attached hereto to effect a change to Fig. 1. The reference number 114 was duplicated in this figure. The reference number identifying the reporting/output block is changed from 114 to 120 to remove duplication of the use of reference number 114.

**REMARKS**

**Amendments**

Claims 1-14 were originally pending in the application. In response to election/restriction, the applicant elected Invention III (Claims 5-13) with traverse.

Claims 1-4, 9 and 14 have been cancelled without prejudice in order to expedite prosecution of the present application.

The specification has been amended to correct obvious typographical errors. Fig. 1 is corrected to remove duplication of the use of reference number 114.

Claim 6 has been amended to clarify that the integrated category management that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. The amendment finds support in the specification at page 7, paragraph [0018]. The claim has also been amended to conform language for antecedent basis purposes. Claims 5 and 7 have been amended to depend from claim 6. Claims 8 and 10 have been amended to conform language for antecedent basis purposes

New claims 15 and 16 are presented wherein the integrated category management report of the method includes a pricing suggestion for at least one product, or includes at least one suggestion for improving the sales of at least one product, respectively.

Support for these claims is found in the specification at page 19, lines 10-13.

New claim 18 describes the method wherein the integrated category management report includes at least one report segment selected from the group consisting of consumer assessment, category assessment, pricing analysis, promotion analysis, placement analysis, and product assortment analysis. Support for this claim is found in the specification at page 19, lines 22-27. New claim 19 relates to the embodiment wherein the data sources further include at least one planogram. Support for this claim is found in originally presented claim 7. New claim 20 relates to the embodiment wherein at least one of the data sets relates to cereal. Support for this claim is found in originally presented claim 2.

As noted in the present specification, retailers are faced with significant challenges in managing product offerings in a manner to maximize sales in any particular retail location. Running a successful retail operation is more than simply carrying out inventory control, but involves understanding the product desires of the customer demographic of a particular store, and recognizing the best product offerings and presentation of the products within that retail location to maintain customer and generate more sales. Information on customer preferences and available products is available on a general basis, and sales information can be collected with respect to a specific retail location if desired. The collection and correlation of this information can be extremely burdensome. Taking the next step to carry out analysis that is meaningful to a specific retail location is overwhelmingly difficult.

The present invention relates to a category management method for procurement, stocking, advertising and/or selling of various products by retailers. More specifically, the present method is a category management method comprising obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set, using automated analysis to analyze the obtained data, and providing an integrated category management report based at least in part on the analysis. An integrated category management report is not a mere organization of information from various databases, but instead is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. The claims have been amended to emphasize this distinction and the unique deliverable as provided in the inventive method.

This invention provides significant advantages in providing timely relevant information to retailers that can be tailored to provide useful information for operation of a single retail outlet. Through the method of the present invention, multiple dynamically changing data streams can be analyzed to provide a sophisticated retail marketing plan that far exceeds the capabilities and impact of previous inventory control techniques. Further, the method of the present invention makes such sophisticated opportunity assessments and market analyses available to smaller retailers and to a degree of detail that was not possible before. See the present specification at pages 4-6.

### **Claim Rejections – 35 USC § 102**

Claim 6 has been rejected under 35 U.S.C. 102(e) as being anticipated by Dippold (US 2002/0133479 A1).

Dippold describes a market research database that facilitates the management of, and access to, information related to product categories. This system collects data about products from various sources and links this information by UPC code. See paragraphs [0007], [0024], [0025] and [0033]. The thus correlated information can be retrieved by UPC code, and on a selective basis can be made available for purchase by third parties on a controlled and restricted basis. See Paragraph [0008].

Dippold fails to teach or suggest using automated analysis to analyze the obtained data, and in particular fails to teach or suggest providing an integrated category management report based at least in part on said analysis. As discussed above, the integrated category management report is not merely an inventory of data from a database, but is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. This aspect of the integrated category management is now an express element of the present claims. It is respectfully submitted that Dippold fails to disclose at least this element, and therefore cannot anticipate the present claims as amended.

### **Claim Rejections – 35 USC § 103**

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (2002/0133479 A1) as applied to claim 6 above.

As noted above, the present claims describe a category management method comprising obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set, using automated analysis to analyze the obtained data, and providing an integrated category management report based at least in part on the analysis. The integrated category management report is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. Through the method of the present invention, multiple dynamically changing data streams can be analyzed to provide a sophisticated retail marketing plan that far exceeds the capabilities and impact of previous inventory control techniques.

Claim 5 additionally provides the feature of dynamically including or excluding further detailed information from the report depending on whether additional analysis results are available. This feature emphasizes the flexibility of the present method in rapidly adapting to changing conditions in the marketplace and to providing retail guidance on an “on demand” basis.

Dippold describes a market research database that facilitates the management of, and access to, information related to product categories. Dippold fails to teach or suggest using automated analysis to analyze the obtained data, and in particular fails to teach or suggest providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. It is respectfully submitted that the market research database of Dippold is limited to reporting data about products from various sources, and does not contemplate the generation of an integrated category management report as presently required by the claims. One of ordinary skill in this art would have had no motivation, hint or suggestion to modify the database of Dippold to provide a method including an integrated category management report as instantly required.

Claims 7-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (2002/0133479 A1) as applied to claim 6 above, and further in view of McConnell et al (US 2001/0049690 A1).

Claim 9 has been cancelled due to amendment of claim 7 to depend from claim 6, rendering this claim redundant. Claims 7-8 and 10-13 describe various additional features of the present method relating to the delivery of the integrated category management report over a network, the fields of the report, dynamically including or excluding further detailed information from the report, providing a score card, and the nature of the network.

Dippold describes a market research database that facilitates the management of, and access to, information related to product categories. Dippold fails to teach or suggest using automated analysis to analyze the obtained data, and in particular fails to teach or suggest providing an integrated category management report that is a targeted

opportunity assessment and market analysis at least partially customized for the intended end user.

McConnell discloses an inventory control system that monitors the effective velocity of items through a store or warehouse. This system provides effective inventory control but fails to provide or suggest generation of an integrated category management report.

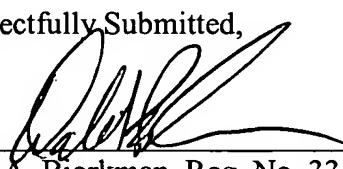
It is respectfully submitted that a description of an inventory control system as described in McConnell fails to bridge the gap between the database of Dippold and the instantly claimed method, which uses automated analysis to analyze the obtained data, and provides an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. To the contrary, the inventory control system of McConnell would be considered to be one of the data inputs of Dippold. Thus, even if these references were combined, McConnell would not have suggested any modification of the system of Dippold to the skilled artisan, and the combination would not have rendered the instantly claimed method obvious.

### CONCLUSION

In view of the amendments and remarks provided herein, Applicants respectfully submit that all of the pending claims are in condition for allowance, and respectfully request notification thereof. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9811.

Respectfully Submitted,

Dated: May 30, 2006

By:   
Dale A. Bjorkman, Reg. No. 33,084  
Phone: 651-275-9811  
Facsimile: 651-351-2954